

REMARKS

Claims 1-11 and 13-38 are pending with claims 37 and 38 added by this paper.

Claim Rejections Under 35 U.S.C §112, Second Paragraph

Claims 1, 2, 4, 7, 11, 14, 16, 19, 21, 23, 25, 27, 29, 31, 34, and 36 stand rejected as allegedly being indefinite. Applicants have amended claims 1 and 19 with substantively the same language as suggested by the Examiner. Consequently, Applicants respectfully submit that these rejections should be withdrawn. In addition, Applicants respectfully submit that these amendments do not narrow the claims because they merely make explicit what is inherent.

Claims Rejections Under 35 U.S.C §102-103

Claims 1-5, 8-11, 16-17 and 35-36 stand rejected as allegedly anticipated under 35 U.S.C §102 by or, in the alternative, as allegedly obvious under 35 U.S.C §103(a) over U.S. Patent No. 6,149,747 (Lorenz) and other secondary references. Particularly, the Action alleges that it is assumed that other components, including the crosslinker, exhibit some level of compatibility in order to maintain the emulsion, and as such, would be emulsified with a thermoplastic resin or wax binder. Applicants respectfully traverse these assertions.

Lorenz discloses a coating formulation that can include a wax, a binder resin such as an epoxy resin, two or more resins, and a cross-linker. See column 5-6. Although Lorenz discloses coating formulations containing the above-identified solids in an aqueous or organic solution, dispersion or emulsion (column 7, lines 62-65), it fails to teach or suggest that the curing agent is in a coemulsion (or codispersion) with a thermoplastic resin and/or wax, and an aqueous liquid. There is nothing within the primary or secondary references which suggests that a co-emulsion of these components will provide an effective coating formulation. There is no indication that these components can even be coemulsified or that a coemulsion of these components can form a functioning thermal transfer layer. As the Examiner notes, Lorenz, et. al. raises the issue of stability of the coating formulation at column 7, lines 13-16 and provides no indication that crosslinkers would be stable if coemulsified with a resin or wax. The Examiner assumes that the

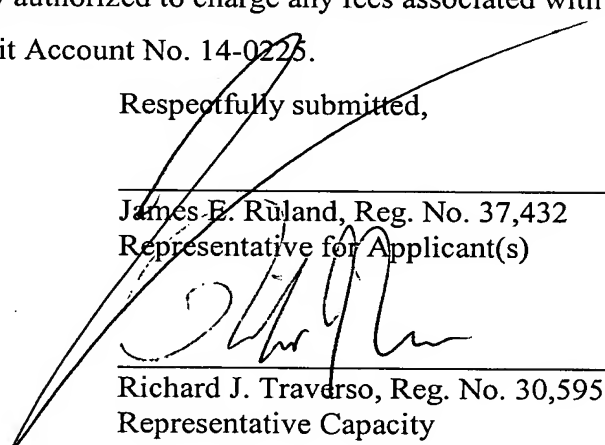
crosslinkers disclosed by Lorenz, et. al. are emulsified with a thermoplastic resin, however the broad generic teachings of Lorenz encompass coating formulations wherein both the crosslinker and thermoplastic resin are soluble in the solvent and not emulsified. For example, Lorenz, et. al. teaches the use of mineral spirits as a suitable solvent in the examples. Consequently, one of skill in the art following the teachings Lorenz, would not be motivated to coemulsify or codisperse a curing agent with a thermoplastic resin and/or wax, and an aqueous liquid.

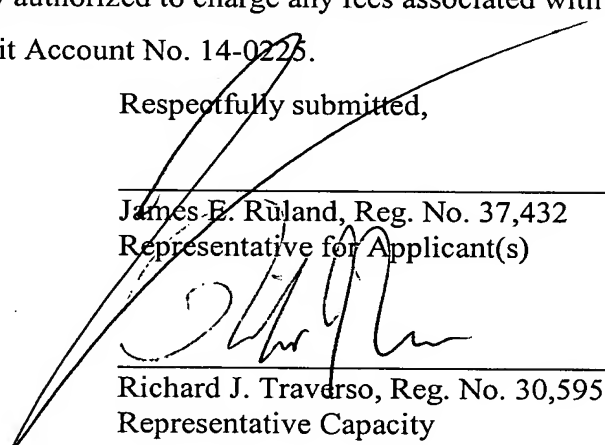
Moreover, Lorenz does not provide any teaching for one of skill in the art to make a coemulsion or codispersion of the curing agent. With respect to the Action's statement that such an argument infers that the claim is a product-by process claim, this interference misconstrues Applicants' point. Applicants attempted to illustrate that emulsions for two components do not inherently describe a coemulsion of these components. A reference cannot be cited for teachings which do not exist either expressly or inherently. Because Lorenz fails to teach or suggest making, much less how to make, a coemulsion or codispersion of a curing agent with any component, Applicants respectfully submit that it is improperly relied upon for this teaching. Consequently, Applicants respectfully submit that the rejection should be withdrawn.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 14-0225.

Respectfully submitted,


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